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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,507	12/12/2003	John R. Fogle	4849.213	4597

7590 03/07/2005

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,507	<b>Applicant(s)</b> FOGLE, JOHN R.	
	<b>Examiner</b> Hwei-Siu C. Payer	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1-18-2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 13, 14, 17-23, 26-28 and 31 is/are rejected.
- 7) ☒ Claim(s) 7-10, 12, 15, 16, 24, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*FW*

## Detailed Action

The amendment filed on 1-18-2005 has been entered.

### Claims Objection

Claims 29 and 30 are objected to because of the following informalities:

In claim 29, line 2, "the non-linear guide path" should read --the serpentine path--  
(note lines 4-5 of claim 28).

Appropriate correction is required.

### Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ballas et al. (U.S. Patent No. 4,054,992).

Ballas et al. show (Fig.4) the claimed invention.

3. Claims 1-6, 11, 13, 14, 17-23, 25-28 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wang (U.S. Patent No. 6,052,907).

Wang shows (Figs. 10 and 18) the claimed invention.

### **Indication of Allowable Subject Matter**

Claims 7-10, 12, 15, 16, 24, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Remarks**

Applicant's arguments filed on 1-18-2005 have been fully considered but they are not persuasive.

Applicant argues, at page 14 of the amendment, Ballas does not disclose a guide path for a line but rather a holding channel or a narrow passageway into which a line must be pressed with the ends extending from opposite sides of the head. Examiner disagrees. Since Ballas' channel is capable of guiding a trimmer line within a trimmer head, the channel is considered as a "guide path" as claimed.

Applicant further argues, at page 15 of the amendment, the plane in which the trimmer line 67 of Ballas resides is a plane which intersects the plane of the central axis of the trimmer head and is not in the plane of the central axis used for attachment of the housing to a string trimmer machine. To the contrary, as disclosed on page 2, lines 17-21 of Applicant's specification, the depressed circular hole (20, see Figs.4-6) is used to attach the upper portion of the housing member to the end of the drive shaft of a string trimmer machine. In other word, the central axis as claimed for attachment to the trimmer machine is the axis that extends through the depressed circular hole(20).

Applicant's attention is directed to Fig.6 of Ballas which also shows a hole in the upper portion of the housing member for attaching to a drive shaft of a trimmer machine (see column 9, lines 43-46) the same as that of Applicant's. Further, in both Ballas and Applicant's disclosed invention, each serpentine guide path is located above the hole (i.e. the central axis). For the above reasons, it is held Ballas' guide path is also located in a plane including the central axis as claimed. Further, since Applicant's central axis is in a vertical plane, and the guide path is in a substantially horizontal plane, it is concluded that two planes intersect as that of Ballas'.

Applicant also argues, at page 15 of the amendment, Wang is subject to the same failures as Ballas et al. In response, since Wang's hole (64) for attachment to a trimmer machine (30) is located at the same location as that of Applicant's, it is held Wang's guide path is also located in a plane including the central axis as claimed.

#### **Action Made Final**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

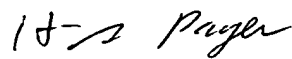
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer  
March 1, 2005



Hwei-Siu Payer  
Primary Examiner